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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,764	07/25/2001	Raffie Eskandarian	60116-800US01	5610

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EXAMINER

SHERKAT, AREZOO

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/912,764

Applicant(s)

ESKANDARIAN, RAFFIE

Examiner

Arezoo Sherkat

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

This office action is responsive to Applicant's amendment filed on April 28, 2005. The specification and drawings have been amended to correct minor informalities. Claims 1, and 5-9 have been amended, and claims 10-17 have been added.

Response to Arguments

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claim 1 is objected to because of the following informalities: "comprising" or "comprises" should be added to the end of the second paragraph before the semicolon. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 12, and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Moussa et al., (U.S. Patent No. 5,680,470 and Moussa hereinafter).

Regarding claims 1-8, Moussa discloses a data receiving device for accepting user indicia of authorization on a computer network having a user computer (Fig. 1), wherein the user computer includes a display device (Fig. 1, element 105) and a pointer that defines locations on the display device (Fig. 1, element 104), comprising:

an input device (Fig. 1, element 102), wherein the input device is configured to control the pointer in the computer and configured to move the pointer in a continuous path on the display device, computer, and a data processor (Fig. 1, element 106) (Col. 2, lines 35-67 and Col. 3, lines 1-15), the data processor further comprising:

a software applet, wherein the software applet configures an input pad comprising a data receiving region, the data receiving region being defined by a matrix grid, and a fitting algorithm, wherein the fitting algorithm is configured to smooth user indicia input into the input pad (Col. 4, lines 45-67 and Col. 5, lines 1-67, and Col. 6, lines 1-40);

a storage database, and a processing script, wherein the processing script receives the processed input user indicia and stores the user indicia in the storage database.

Regarding claim 12, Moussa discloses a data receiving device as claimed in claim 4, wherein the user indicia is defined by the value of the pixel coordinates upon

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which the user indicia is deposited in the data receiving region (Col. 3, lines 42-67 and Col. 4, lines 1-8).

Regarding claim 14, Moussa discloses a data-receiving device as claimed in claim 1, further comprising a data retrieval mechanism, wherein the data retrieval mechanism is configured to restrict access to the storage database (Col. 3, lines 42-55).

Regarding claim 15, Moussa discloses a data receiving device as claimed in claim 1, wherein the input device further comprises an entry member, wherein the depression of the entry member activates the data input capability of the input device (Col. 2, lines 35-67 and Col. 3, lines 1-12).

Regarding claim 16, Moussa discloses a system as claimed in claim 5, further comprising a participant computer, wherein the participant computer is assigned a participant code and a data retrieval mechanism (i.e., feature retrieval and signature comparison)(Col. 10-13, lines 1-67).

Regarding claim 17, Moussa discloses a system as claimed in claim 16, wherein the data retrieval mechanism is configured to restrict the access of the participant computer to the user indicia stored in the storage database which is associated with the participant code (i.e., feature retrieval and signature comparison)(Col. 10-13, lines 1-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moussa et al., (U.S. Patent No. 5,680,470 and Moussa hereinafter), in view of Smithies et al., (U.S. Patent No. 6,064,751 and Smithies hereinafter).

Regarding claims 9-11 and 13, Moussa discloses a method for receiving and processing user indicia of authorization on a computer network having a user computer, wherein the user computer includes an input device (Fig. 1, element 102), a display device (Fig. 1, element 105) and a pointer that defines locations on the display device (Fig. 1, element 104), wherein the input device includes an entry member and is configured to move the pointer in a continuous path on the display device, comprising:

placing the pointer within the data receiving region via the input device,
depressing the entry member on the input device;

moving the pointer within the data receiving region via the input device to create user indicia of authorization within the data receiving region, applying a fitting algorithm to the user indicia, compressing the user indicia, converting the compressed user indicia

to a digital bitmap image (Col. 4, lines 45-67 and Col. 5, lines 1-67 and Col. 6, lines 1-40), and

assigning a unique code to the user indicia, and storing the user indicia in a database (Col. 6, lines 40-67 and Col. 7-9, lines 1-67).

Moussa does not expressly disclose presenting a user an HTML page containing an applet, wherein the applet configures an input pad having a data-receiving region on the display device.

However, Smithies discloses presenting a user an HTML page containing an applet, wherein the applet configures an input pad having a data-receiving region on the display device (Col. 10, lines 10-67 and Col. 11, lines 1-20).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of Moussa with the teachings of Smithies by including presenting a user an HTML page containing an applet, wherein the applet configures an input pad having a data-receiving region on the display device as disclosed by Smithies. This modification would have been obvious because one of ordinary skill in the art would have been motivated by the suggestion of Smithies to assist in maintaining a single intended use for each act of signing such that a signature submitted on one document cannot be used on another (Smithies, Col. 7, lines 1-10).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lloyd et al., (U.S. Patent No. 6,779,178), and
Ishigaki, (U.S. Publication No. 2001/0056410).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arezoo Sherkat whose telephone number is (571) 272-3796. The examiner can normally be reached on 8:00-4:30 Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arezoo Sherkat
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July 29, 2005



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